Patents
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	OFIC
Varsha K. Shah, et al.)	A PER
Serial No.: 09/564,939)	Art Unit: 1616
Filed: May 4, 2000)	Examiner: K.M. George
For: ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS, A METHOD OF MAKING SAME AND ITEMS USING SAME)))	Dammor. R.M. Goorge

PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Commissioner of Patents and Trademarks Washington, D.C. 20231 Sir:

The undersigned attorney of record in the patent application identified above hereby petitions to correct an error of inventorship in an executed § 1.63 declaration in the application. The error arose without any deceptive intention on the part of the persons who, through error, were not named as inventors. The inventors who were not named, and who applicant requests be added, are Douglas Bryan Cole and Katherine Denise Stahl. Once this petition is granted, the inventors in this application will be Douglas Bryan Cole, Varsha K. Shah, Kurt J. Bevernitz, Franklin M. Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay, Ligina A. Rivera, Kim Schick and Katherine Denise Stahl. Applicants hereby requests that the order of the inventors in this application be as shown above and that if this application issues as a patent, be referred to as the Cole et al. patent.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC, 2023, on October 12, 2001.

Robert E. Richards - Reg. No. 29,105

Pursuant to the requirements of §§ 1.48(a)(1) and (a)(2), applicants submit herewith statements by Douglas Bryan Cole and Katherine Denise Stahl that the error in inventorship occurred without any deceptive intention on their part, a declaration by the actual inventors as required by § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47, a check for \$130 for the fee set forth in § 1.17(h), and the written consent of the assignee, Kimberly-Clark Worldwide, Inc.

Respectfully submitted

By: Robert E. Richards

Reg. No. 29,105

KILPATRICK STOCKTON LLP 2400 Monarch Tower 3424 Peachtree Road, N.E. Atlanta, Georgia 30326

Tel: (404) 949-3999

Fax: (404) 949-2499

Our Docket No. 11302-0960 (44040-228374)

KC# 15,937

Serial No. 09/564,939



Patents IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Application of:)	
Varsł	na K. Shah, et al.)	
Serial	No.: 09/564,939)	AA.T.LIA. 1616
Filed:	May 4, 2000)	Art Unit: 1616
For:	ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS, A METHOD OF MAKING SAME AND ITEMS USING SAME)))	Examiner: K.M. George

DECLARATION OF DOUGLAS BRYAN COLE AND KATHERINE DENISE STAHL IN SUPPORT OF PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Commissioner of Patents and Trademarks Washington, D.C. 20231 Sir:

We, Douglas Bryan Cole and Katherine Denise Stahl, declare as follows:

- 1. We declare that we were inventors of the claims in the above-identified patent application. It was error that we were not named as an inventor in the above-identified patent application and this error in inventorship occurred with no deceptive intent on our part.
- 2. We further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Serial No. 09/564,939

Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 7, 2001

Date: <u>September 7, 2001</u>

Douglas Bryan Cole

Katherine Denise Stahl

Our Docket No. 11302-0960 (44040-228374); KC# 15,937

Serial No. 09/564,939

Patents
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	\ QAIGH
Varsha K. Shah, et al.)	NALLY FOR
Serial No.: 09/564,939)	Art Unit: 1616
Filed: May 4, 2000)	,
For: ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS, A METHOD OF MAKING)))	Examiner: K.M. George
SAME AND ITEMS LISING SAME)	

CONSENT OF ASSIGNEE KIMBERLY-CLARK WORLDWIDE, INC. TO CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Commissioner of Patents and Trademarks Washington, D.C. 20231 Sir:

Kimberly-Clark Worldwide, Inc., the assignee of the above-referenced application, hereby consents to the correction of inventorship of the above-reference application under 37 C.F.R. §1.48(a). Once inventorship is corrected, the inventors in this application will be Douglas Bryan Cole, Varsha K. Shah, Kurt J. Bevernitz, Franklin M. Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay, Ligina A. Rivera, Kim Schick and Katherine Denise Stahl.

KIMBERLY-CLARK WORLDWIDE, INC.

By: Thomas J. Mielke Vice-President

DECLARATION AND POWER OF ATTORNEY ey's Docket No. 11302-0960 pcket No. 15,937 In re Application of: Douglas Bryan , Varsha K.\Shah. Kurt J. Bevernitz, Franklin . Chen, Eric D. Johnson, Frederick J. Lang, Jeffrey D. Lindsay. Ligia A. River Kim G. Schick Katherine Denise Stahl As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS, A METHOD OF MAKING SAME AND ITEMS USING SAME, the specification of which: is attached hereto. was filed on May 4, 2000 as Application No. 09/564,939. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed: Priority Claimed Under 35 USC §119 Application No. Country Filing Date I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below: (Filing Date) (Application No.) (Application No.) (Filing Date) I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: Application Serial No. Filing Date Status: patented, pending, abandoned I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon. POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Michael J. Bendel - Reg. No. 39,605; Patricia A. Charlier - Reg. No. 38,840; Thomas J. Connelly - Reg. No. 28,404; Gregory E. Croft - Reg. No. 27,542; Ralph H. Dean - Reg. No. 41,550; Alyssa A. Dudkowski - Reg. No. 40,596; Jeremiah J. Duggan - Reg. No. 24,470; Randall W. Fieldhack - Reg. No. 43,611; Steven D. Flack - Reg. No. 40,608; Thomas M. Gage - Reg. No. 33,385; Scott B. Garrison - Reg. No. 39,198; Joseph P. Harps - Reg. No. 28,854; William D. Herrick - Reg. No. 25,468; Kyle K. Kappes - Reg. No. 34,846; John P. Kirby - Reg. No. 25,348; Nancy M. Klembus, Reg. No. 40,051; ; Nicholas N. Leach - Reg. No. 31,776; Nicholas N. Leach - Reg. No. 31,776; William W. Letson - Reg. No. 42,797; Thomas J. Mielke - Reg. No. 31,399; Douglas L. Miller - Reg. No. 30,406; Thomas M. Parker - Reg. No. 42,063; Sebastian C. Pugliese III - Reg. No. 42,091; James B. Robinson - Reg. No.

34,912; Karl V. Sidor - Reg. No. 32,597; Douglas H. Tulley - Reg. No. 34,743; Patrick C. Wilson - Reg. No. 31,893; Paul Y. Yee - Reg. No. 29,460.

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ROBERT E. RICHARDS

Full name of joint invento	OF BOUGLAS BRYAN COLE	Citizens	hip: U.S.		
Inventor's signature	Jacoba Brown (ale Date:	Scotember 7, 2001		
Residence and Post Office	Il name of joint inventor: DOUGLAS BRYAN COLE ventor's signature Sidence and Post Office Address: 61 Crestview Orive, Hortonville, WI 54944				

Attorney Docket No.: 11302-0960
Title: ION-SENSITIVE, WATER-DISPERSIBLE POLYMERS,
A METHOD OF MAKING SAME AND ITEMS USING SAME

Page 2



		1
Full name of joint inventor: VARSHA K. SHAH	Citizenship: India	1 8
Inventor's signature	Date:	
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Inventor's signature	Date:	
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	Date:	
Inventor's signature Residence and Post Office Address: 4486 N.W. Chanticleer Driv		
Residence and Fost Office Address: 4480 (1.14). Chanticleer Diff	c, Apa 114, I vittano, Oregon 71227	
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Inventor's signature	Date:	
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Full name of joint inventor: JEFFREY D. LINDSAY	Citizenship: U.S.	
Inventor's signature	Date:	
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Full name of joint inventor: LIGIA A. RIVERA	Citizenship: U.S.	
Inventor's signature	Date:	
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Tool de la company de la compa	<u> </u>	
Full name of joint inventor: KIM G. SCHICK	Citizenship: U.S.	
Inventor's signature	Date:	
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Residence and rost Office Address. 327 1 Street, Menastra, Wis	CONSIII 54252	
Full name of joint inventor: KATHERINE DENISE STAHL	Citizenship: U.S.	
Inventor's signature Lathery Jones State	Date: September 7, 200	71
Residence and Post Office Address: 424 S. Weimar Street, Apple	eton, WI 54915	
Incoluence and 1 ost office Address. 424 5. Weillar offeet, Apple		

CERTIFICATE UNDER 3 2002 E S3.73(b)

Applic	ant: _	Varsha K.	Shah et al.			
Applic	ation N	Vo.: <u>09/564,939</u>	Filed:	May 4, 2	000	
For:	Ion-S	Sensitive, Wate	r-Dispersible	Polymers, a	Method of Ma	king Same and Items Using Same
<u>Kimbe</u>	rly-Cla	ark Worldwide, (Name of Assignee)	Inc.	, a	corporation Type of Assignee e.g., o	orporation, partnership, university, government agency, etc.)
certific		it is the assigne	e of the entire	e right, title	and interest in the	ne patent application identified above by virtue
was re	corded	in the Patent	and Tradema	ark Office a		application identified above. The assignment Frame 0088. An assignment from the other
OR						
	A ch		m the invento	or(s), of the	patent applicati	on identified above, to the current assignee as
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	()(Copies of assign	nments or oth	er document	ts in the chain o	f title are attached.
						of the patent application identified above and, signee identified above.
The un	dersign	ned, a registered	d practitioner,	is authorize	ed and empower	ed to act on behalf of the assignee.
inform willful Title 1	ation a false s 8 of t	nd belief are batatements, and	elieved to be the like so ma tes Code, and	true; and fu ade, are pun	orther, that these hishable by fine	dge are true, and that all statements made on statements are made with the knowledge that or imprisonment, or both, under Section 1001, atements may jeopardize the validity of the
Date:_	12	1-12.0	>/		Name:	Robert E. Richards
					Reg. No.:	29,105
					Signature:	/ Contraction

Our File: 11302-0960 (44040-228374)



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MAY 0 3 2002 TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/564,939	05/04/2000	Varsha K. Shah	11302-0960	1804
23370 7	7590 11/23/2001			
JOHN S. PRA			EXAMI	NER
	STOCKTON, LLP REE STREET		GEORGE, K	ONATA M
SUITE 2800 ATLANTA, G	A 30309		ART UNIT	PAPER NUMBER
,			1616	14
			DATE MAILED: 11/23/2001	

Please find below and/or attached an Office communication concerning this application or proceeding.

SCANNED

	. P E	w _{t.}	Application No.	Applicant(s)
	Offic Action Summany N 0 3	2000	09/564,939	SHAH ET AL POR ART Unit 1616 PORTES PONDENCE Address Time
	Ciric Action Stampar MAY 6 3	ZUUZ	Examiner	Art Unit
	The MAIL INC. DATE of this and	ر مار مار مار مار مار مار مار مار مار مار	Konata M. George	1616
P riod fo	Th MAILING DATE of this communicated TR	yon app	ears on the c ver sheet with the c	correspondence address II m
THE N - Exter after: - If the - If NO - Failur - Any n	PRTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA sions of time may be available under the provisions of 3 SIX (6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) deperiod for reply is specified above, the maximum statuto a to reply within the set or extended period for reply will, epty received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.13 ation. 1ys, a reply ry period w by statute,	6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	rely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
1)[🛛	Responsive to communication(s) filed	on Sept	ember 24. 2001 .	
2a)⊠			s action is non-final.	
3)	Since this application is in condition fo	— r allowa	nce except for formal matters, pr	osecution as to the merits is
	closed in accordance with the practice	under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.
· _	on of Claims			
	Claim(s) <u>1-25</u> is/are pending in the app			
	la) Of the above claim(s) is/are v			
	Claim(s)			
	Claim(s) <u>1-10,13,16,19,20 and23</u> is/are	rejected	1.	
	Claim(s) is/are objected to.			
	Claim(s) are subject to restriction	and/or	election requirement.	
Application	·			
	he specification is objected to by the Ex			
10)[] 1	he drawing(s) filed on is/are: a)[
14\□7 T	Applicant may not request that any objection		• • •	` ,
י ובו(יי	he proposed drawing correction filed on If approved, corrected drawings are require			7ed by the Examiner.
12)□ T	he oath or declaration is objected to by	•		
	nder 35 U.S.C. §§ 119 and 120		miner.	
	Acknowledgment is made of a claim for	foreign	nriority under 25 U.S.C. \$ 440(a)	(d) on (0
_	All b) Some * c) None of:	ioreign ;	priority under 35 0.5.C. § 119(a)	-(a) or (t).
		umonto	have been received	
				an Na
			• •	-
	B. Copies of the certified copies of the application from the Internation for the action action.	nal Bure	eau (PCT Rule 17.2(a)).	-
14)□ A	knowledgment is made of a claim for d	omestic	priority under 35 U.S.C. § 119(e) (to a provisional application).
a)	☐ The translation of the foreign languacknowledgment is made of a claim for d	ige prov	isional application has been rece	eived.
Attachment(•••	
2) 🔲 Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-9 ation Disclosure Statement(s) (PTO-1449) Paper	948) No(s) <u>11</u> .	5) Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152)
			- 	

Application/Control Number: 09/564,939

Art Unit: 1616



DETAILED ACTION

Claims 1-25 are pending in this application.

Inventorship

1. In view of the papers filed October 15, 2001, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the following inventors to the application: Douglas Bryan Cole and Katherine Denise Stahl.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Action Summary

- 2. The rejection of claim 9 under 35 U.S.C. 112, second paragraph is hereby expressly withdrawn.
- 3. The rejection of claims 1-10, 13, 19 and 20 under 35 U.S.C. 102(b) is being maintained for the reasons stated in the previous office action.
- 4. Claims 11, 12, 14, 15, 17, 18, 21, 22, 24 and 25 are allowable.

Response to Arguments

5. Applicant's arguments filed September 24, 2001 have been fully considered but they are not persuasive.

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Applicants argue that the claimed invention is a wetting composition in conjunction with a triggerable composition. It is the position the examiner that it is unclear what is meant by a "triggerable composition" it is not clearly defined in the specification. Therefore, examiner maintains rejection under 35 U.S.C. 102(b). Examiner would like to point out example 8 in table 2, which does not disclose an organic solvent.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-13, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase "triggerable composition" is not defined in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what is meant by a "triggerable composition" it is not clearly defined in the specification.

Application/Control Number: 09/564,939

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Claim R j ctions - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Potini et al. (US 5,607,908).

Potini teaches in Table I a composition comprising 0.70% sodium chloride (activating agent), 0.10% polyethylene glycol (organic solvent), 0.050% glycerin (preservative), along with other components and water up to 100%.

Conclusion

- 9. Claims 1-10, 13, 16, 19, 20 and 23 stand rejected. Claims 11, 12, 14, 15, 17, 18, 21, 22, 24 and 25 are allowable.
- 10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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Art Unit: 1616

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Telephone Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is

(703) 308-4646. The examiner can normally be reached from 8AM to 5:30PM Monday

to Thursday, and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, José Dees, can be reached at (703) 308-4628. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 308-4556 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

(703) 308-1235.

Konata M. George

JOSE'S, DEES
SUPERVISORY PATENT EXAMINER

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PTO/SB/08A (08-00) Approved for use through 10/31/2002-QriB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

work Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid ONB control number TENT & TRAD Substitute for Form 4 649/40 TO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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	Complete if Known	$\overline{\tilde{c}}$	S	
Applicati n Number	09/564,939	Ω̈́	T.	
Filing Dat	May 4, 2001			
First Named Inventor	Shah, et al.	H		m
Group Art Unit	1771	16	N.	-
Examiner Name		-8	00	
Attorney Docket Number	er 11302-0960 (440)	40-0283	7249	Π

			U	.S. PATENT DOCUMENT	'S	0 1		
Examiner	Cite	U.S. Patent Doc	Document Kind Code ²	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
Initials No.1	Cite No.1	Number	(if known)	of Cited Document	MM-DD-YYYY	Figures Appear		
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Examiner Cite No.1	Cite No.	Office ³	Number ⁴	Kind Code (if known)		Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	T⁵
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Examiner	V-4 /V/(Date	10/4/6
Signature	Karry IV	Considered	/ · / · /

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent document, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language translation is attached.